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## Governance

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### 1. INTRODUCTION

In reaction to an explicitly normative conception of governance in donor agendas that push good governance and state reconstruction, recent scholarship has taken a more empirical and bottom-up approach. Olivier de Sardan (2011, p.22) defines governance as “any organised method of delivering public or collective services and goods according to specific logics and norms, and to specific forms of authority”. It is now common wisdom in legal anthropology that in any society, multiple normative and regulatory orders coexist. Aside from states, actors like traditional and customary institutions, militia groups, religious and caste institutions, NGOs, and private companies all engage in norm production and in the provision of public services. By adhering to these norms and by using these services, individuals simultaneously recognise and legitimise the authority of these institutions.

In this chapter, we review anthropological approaches to mineral resource governance, focusing on what is governed as well as on how this governance takes place, by whom and for whom. Anthropological approaches to resource governance distinguish themselves from other social-scientific approaches by their holistic nature, and the fact that they show greater sensitivity to the particularities of the socio-cultural contexts (Rosen, 2020). Moreover, as will become evident in this chapter, anthropology has greatly enriched the scholarly analysis of resource governance dynamics by bringing the complexities of social relations to the fore, scrutinising how resource governance is fashioned and affected by a wide variety of social connections and interactions at different but entangled levels and scales (see e.g. Ballard and Banks, 2003; Fent, 2019; Tsing, 2005; Golub, 2014). In section 2, we provide a broad overview of the actors involved in mineral resource governance, moving from the transnational, over the national, to the local level, while at the same time highlighting the connections between these different levels. In sections 3 and 4, we take a closer look at the governance of land and labour, as the two key factors of production in mineral extraction. This will provide us with clues about who stands to benefit and lose from prevailing governance arrangements.

### 2. GOVERNANCE SPACES AND ACTORS

The extraction and trade of mineral resources have always been quintessentially global phenomena, and they have long been recognised as such by anthropologists. Way before globalisation became a buzzword in the social sciences, the Marxist anthropologist Wolf (1982) already drew attention to the large quantities of gold that were being exported overseas from southern Africa, from as early as the 9<sup>th</sup> century. Yet the most recent wave of globalisation has seen an unprecedented “intensified global interconnectedness” (Inda and Rosaldo, 2002, p.5), which has made the regulation of the mineral industry increasingly complicated (Eriksen, 2014, p.86). Held and McGrew nicely summed up the crux of the matter when they wrote that “the globalization of economic activity exceeds the regulatory reach of national governments while, at the same time, existing multilateral institutions of economic governance have limited authority because states, jealously guarding their national sovereignty, refuse to cede them substantial power” (Held and McGrew, 2000, p.26–27). Anthropologists trying to make sense of the governance of the contemporary mining industry have been faced with the

daunting task of having to unravel a Gordian knot composed of multiple levels of governance, multiple governing bodies, and multiple normative orders. As such they have been intrigued and preoccupied with what Tsing (2005, p.3) has referred to as “the productive friction of global connections”. In what follows we think through the transnational, national and local levels as a way of structuring our chapter. At the same time, we fully recognise that these scales are deeply entangled.

## 2.1. Transnational governance

Since the late 1990s, the transnational expansion of mining has gone hand in hand with a growing involvement of international financial institutions (IFIs) in the governance of mining. Besides the World Bank, the International Finance Corporation (IFC) and the International Monetary Fund (IMF), regional development banks such as the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, and the Inter-American Development Bank have been acquiring more and more influence. To give but one recent example: on March 12<sup>th</sup> 2020, the Inter-American Development Bank announced the approval of a US\$78.4 million loan for investments in Ecuador’s mining and energy sectors, saying that it would simultaneously contribute to developing policy tools to “boost up the regulatory framework’s effectiveness and create a business atmosphere that promotes responsible investments” (IADB, 2021).

While IFIs are deeply involved in shaping the geography and governance of mining investments across the globe, economically powerful and resource-seeking nation-states such as China play a somewhat different but equally significant role. In her ethnography of China’s influence on Zambia’s economic development, Lee has pointed out that Chinese state capital distinguishes itself from global private capital in that it is less obsessed with short-term profit maximisation. It follows a broader logic of “encompassing accumulation” centred around securing political influence and accessing resources – especially those that are in short supply in China, such as copper. Compared to global private investors, Chinese state-owned companies have shown a greater sensitivity to what is at stake in Zambian politics, as well as a stronger preparedness to compromise around mining sector governance (Lee, 2017, 31–33). Conversely, the sudden and massive influx of private Chinese capital into informal and illegal small-scale mining operations has been seen as further eroding the governance capacity of the state. This has been most extensively documented for the case of Ghana, where at least 30.000 Chinese migrants were involved in *galamsey* (small-scale gold mining) activities between 2008 and 2013. They were able to violate the country’s mining regulations with impunity thanks to the protection offered by well-placed Ghanaian politicians, public officials and chiefs, who in return received large sums of money. Meanwhile, the large-scale destruction of landscapes and pollution of riverbed led to protests by Ghanaian media and civil society, forcing the government to place a moratorium on ASGM and deport thousands of Chinese nationals. However, according to Crawford and Botchwey (2020), this only served to conceal the endemic corruption among government officials, politicians and chiefs that has encouraged and protected informal operations.

The spread of mining activities across the globe has also given rise to a marked transnationalisation of protest against mining (Jacka, 2018, p.65). More and more local activist groups have joined hands with international NGOs in criticising and campaigning against the negative socio-economic and environmental impacts of large-scale mining (LSM) activities (Kirsch, 2014; Li, 2015). In response to this, and in an attempt to obtain/keep a “social licence to operate”, companies have stepped up their efforts to pursue more social, ethical and sustainable ways of doing business through a myriad of initiatives in the fields of corporate social responsibility (CSR), ethical trade, business and human rights, and various networked forms of governance involving corporations, industry associations, NGOs and third party auditors<sup>1</sup> (Dolan and Rajak, 2011). In a context of widespread liberalisation and state retreat, which was ideologically inspired by the “Washington Consensus” and actively promoted

by international lenders, these actors are seen as filling the governance void left behind by weak and fragile states. At the same time, these networked forms of mineral resource governance can also be seen as part of a post-Cold War effort by the Global North to “stabilise” and to maintain control in the Global South (Duffield, 2001).

A good illustration of the highly intricate nature of networked forms of mineral resource governance can be found in the international diamond industry. In her multi-sited ethnography, Siegel (2009) describes the interplay between unofficial norms and conventions (codes of honour, entrance ceremonies, rules for the settlement of disputes, handshakes, ....), the laws of diamond producing and importing countries, and an ambitious transnational regulatory framework in the form of the Kimberley Process Certification Scheme (KPCS), which was set up to prevent so-called “conflict diamonds” from entering global markets (see also Van Bockstael & Vlassenroot, 2009). A number of studies on the impact of similar initiatives to combat the trade in conflict minerals have shown that when such networked forms of governance touch ground, they form new hybrids that do not seldom have adverse impacts on their intended beneficiaries, for instance by excluding small-scale producers from global markets (see Geenen, 2015 and Vogel and Raeymaekers, 2016 for the case of the DRC).

CSR is another excellent example of networked governance. It has often been analysed as governance that is outsourced to private companies (see Campbell, 2012 for Africa; Cheshire, 2010 for Australia; Haalboom, 2012 for Latin America). As Shever (2018, p.4) has remarked, the trend of delegating more and more governance tasks to the private sector can be attributed to the neoliberal belief that corporations are more rational, efficient, and effective than states. Anthropological research has shown that CSR offers several advantages to corporations. Apart from the fact that it has enabled them to change their reputation from selfish profit-seekers to capitalists with a friendly face, it has also put them in a position to subtly extend their authority over the people living in and near their areas of operation. Furthermore, CSR interventions have given them the opportunity to present themselves as effective problem-solvers, without having to account for their own roles in creating many of the problems in the first place (Shever, 2018). Authors such as Owen and Kemp (2014), Rajak (2011) and Welker (2014) have stressed that corporations should not be studied as monolithic entities, since company policies are always enacted by individual actors with their own personal interests and objectives, navigating relationships of agreement and disagreement within the company itself. Consequently, CSR interventions should not be interpreted as evidence of the existence of one single company philosophy, but rather as the outcome of processes of negotiation, competition and struggle within the companies themselves.

## 2.2. State governance

In most countries (the United States being a notable exception) the subsurface and the mineral resources contained in it are owned by the state, which consequently has the right to decide whether and by whom mineral resources are extracted, and how mineral revenues are distributed (Emel and Huber, 2008). In the neoliberal era, the state has “rolled back” in favour of private actors, but has simultaneously “rolled out” to protect the interests of global capital (Peck and Tickell, 2012). There exists widespread consensus that state mining policies favour large-scale, industrial mining operations, often undertaken by transnational mining corporations and having negative socio-environmental effects on local communities. In many cases this is paired with a marginalisation and criminalisation of artisanal and small-scale mining (ASM). In Latin America, the dominance of highly liberalised foreign direct investment regimes has given rise to an increase of mining investment by more than 100 per cent between 2002 and 2012. This went hand in hand with increased levels of resistance, for which local communities and civil society reached out to transnational networks (Dougherty, 2016). In sub-Saharan Africa, similar developments have been observed in countries like

Ghana (Hilson and Potter, 2005), Burkina Faso (Luning, 2008) and Mozambique (Wiegink, 2018). In many of these countries, the expansion of corporate mining went hand in hand with the displacement of artisanal miners, and/or the introduction of new policies that hinder the formalisation of ASM.

That being said, it is important to note that the image of neoliberal states coalescing with global mining capital is to a certain extent misleading. In many countries, liberalisation has intersected with a trend towards democratisation and decentralisation. States are often characterised by high degrees of internal pluralism, with different actors and agencies adopting diverging views on mining (Spiegel, 2012). In the Philippines, for instance, mining is governed by a wide range of contradictory and overlapping laws and administrative rules that are created by different government agencies (Verbrugge, 2015a). In this context, three types of resource struggles have erupted: intra-government conflicts over fiscal-regulatory authority in the mining sector; conflicts between large-scale and small-scale mining over access to mineral-bearing land; and conflicts between tribal groups over rights to and revenues from ancestral land.

Furthermore, host governments and local communities (which are not necessarily united and/or internally coherent) have sensed growing frustration over the lack of economic benefits accruing to them. In some countries, this has fed into significant policy shifts. Neo-extractivist states in Latin America have increased state control over the mining sector, coupling this to redistributive politics. As Pellegrini has noted in his assessment of mining policies in Bolivia, the term neo-extractivism is used to refer to “a continuation of the extractivist development model that is accompanied by a range of social policies, themselves financed by the revenues generated by extractive activities” (2018, p.139). In countries like Tanzania (Pedersen et al., 2019) and Peru (Cortés-McPherson, 2019) new forms of resource nationalism are slowly tilting the regulatory balance in favour of domestic mining interests.

As Gilberthorpe and Rajak argue in a recent review article, anthropology has an important role to play in re-embedding and re-politicising these struggles, by moving away from technical questions of revenue distribution, towards analysing “the constellation of subaltern and elite agency at work within processes of resource extraction (...) in order to confront the complexities, incompatibilities, and inequities in the exploitation of mineral resources” (2017, p.186). Heading this call, van Teijlingen (2016, p.910) analyses the neo-extractivist project in Ecuador as a governmentality project that constructs “new subjectivities along the lines of new categories (that of the ‘strategic sectors’, the ‘national interest’, the ‘poor’, and ‘the blessed’, the patriots and the anti-patriots, etc.), appealing to a historically shaped ‘will to improve’” (see also Vela-Almeida, 2018). More broadly, popular movements against extractivism in Latin America have been interpreted not merely as struggles about mineral governance, but also about citizenship, the nation, rights, and identity. Rather than advocating a return to previous modes of sovereign state power, Perreault and Valdivia (2010, p.698) argue, these movements “seek to carve out a space for state authority that is more closely aligned with what they see as the interests of the population”.

### 2.3. Local governance

As rightly noted by Fisher (2008), mining activities often take place “at the margins” of state power, where governance is the product of an interaction between the state (and its decentralised bodies) and various other actors. With this observation, she essentially enters the domain of legal anthropology, which has analysed this empirical reality as a situation of legal pluralism (Von Benda-Beckmann, 2006). Political scientists working on state formation and scholars in peace and conflict studies have introduced the notion of hybrid political orders (Boege et al., 2008). Moving away from the failed states paradigm that centres on how states in the Global South deviate from ideal-typical

Weberian states, studies of hybrid political orders focused on the “interactions of traditional, personal, kin-based or clientelistic logics with modern, imported, or rational actor logics” (Hoffmann and Kirk, 2013, p.18). As we explain in further detail below, other social scientists have followed a broadly similar approach, examining public authority in local political arenas as a hybrid of externally imposed orders and existing local orders.

A number of conceptual lenses have been used to analyse instances of pluralism or hybridity in ASM. Building on the work of Moore (1978), Grätz (2002) conceptualises gold mining communities in West Africa as “semi-autonomous social fields”. He discusses a diversity of rules pertaining to revenue sharing, land access, disputes over theft, cheating, and working times. These norms integrate elements from other normative systems, including host-guest relations and patron-client relations. The authorities that enforce norm compliance vary from shaft owners, over elected leaders, to traditional chiefs. In the case of the Eastern DRC, Geenen (2015) uses Olivier de Sardan’s (2011) notions of practical norms to describe how a wide range of mining practices (gaining access to a mining pit, sharing output, being recruited in a mining team, paying unofficial taxes, etc.) are sanctioned by state agents, customary chiefs, miners’ cooperatives, militia groups and pit managers. New norms are the result of a “bricolage” process (Cleaver, 2012) in which people consciously or unconsciously draw upon pre-existing norms and practices to shape new institutions. For instance, when militia groups occupying an ASM mine in Eastern DRC installed a system of rent payments, this was shaped by existing customary rules, but also by a fraudulent system that was in place when the mine was still operated by an industrial company. In Burkina Faso, Werthmann (2003) describes the case of the elected leader of a recently established mining camp. She argues that the elected leader can be seen as a typical Big Man, combining different sources of power: that of a politician/entrepreneur and that of a “manager of violence”. His leadership is based on formal vote and economic wealth, but also on charisma and violence. Macintyre (2008) has similarly highlighted the persistence of Big Man dynamics in Papua New Guinea, a so-called weak state with a long history of plantation agriculture and resource extraction. She describes how Big Men gain and retain their legitimacy through their capacity to distribute consumer goods to their clients. As such, “drinking and sharing beers with others has been interpreted (...) as an extension or transformation of traditional ‘big man’ activity into the domain of the capitalist economy” (Macintyre, 2008, p.189).

Another analytical lens for studying hybrid forms of resource governance in ASM is that of the frontier. Several authors draw on Kopytoff’s (1987) classic work on the pre-colonial African frontier as an open space situated in the interstices between dominant political orders and kingdoms, which gives rise to the emergence of new political, social and cultural formations. Applying this idea to the gold mining economy of Burkina Faso, Werthmann (2012) identifies an artisanal mining frontier that came into being during a drought in the 1980s, and an industrial mining frontier that emerged in the wake of the abovementioned neoliberal policy changes. Côte and Korf (2018) similarly use Kopytoff’s insights to shed light on the emergence of mining concessions and associated regulatory arrangements. They problematise Ferguson’s (2005) portrayal of mining concessions as spaces beyond the reach of the state, by instead describing these environments as being characterised by an excess rather than a lack of regulatory authority – a phenomenon they describe as “the plurification of regulatory authority”.

These different accounts make abundantly clear that the state is not the only actor involved in shaping mineral resource governance. Yet even in areas where the state is purportedly absent, references to state power are often ubiquitous. Within a research tradition that is commonly referred to as the anthropology of the state (Sharma and Gupta, 2006), different authors remind us that the idea of the state is a potent instrument to legitimise claims to authority (Trouillot, 2001; Hansen and Steputat, 2006). This idea of the state may be acted upon through a variety of “state practices” and symbolic

references to legality. In their book on the Papua New Guinean state, Bainton and Skrzypek (forthcoming, p.19) write that “states reinforce the primacy of their sovereign authority through their exclusive claim over the mineral resources in the land. The state’s supreme authority is symbolically upheld through formal legislative frameworks that govern the ownership and extraction of these resources”. Both in the Eastern DRC (Geenen, 2015) and in the southern Philippines (Verbrugge, 2015b), local state agents use their legal command to impose a range of unofficial payments on informal miners and traders.

Instances of hybridity have also been described in the context of LSM. Writing about gold mining in Ghana, Geenen (2016) discerns different types of engagement between companies, communities and governments, which are characterised by three governance modes: conflict and resistance, expectations, and negotiations. In another analysis of Ghana’s mining sector, Luning and Pijpers (2017) coin the concept of “in-depth geopolitics” to describe the interplay between three factors shaping mineral governance in places where ASM and LSM interact, notably the stage of a mining operation, the socio-political context and local histories of extraction, and the characteristics of the “subterranean structure”. By paying attention to the dynamics of in-depth geopolitics, the authors criticise Ferguson’s (2005) argument about the enclaved nature of LSM, which is sometimes seen as disconnected from local social, political, and economic realities. In Latin America, a lot of anthropological work has detailed the complex interactions between multinational mining companies and local communities (Gustafsson, 2018). The focus of this research is often on social mobilisation and resistance against LSM (Kirsch, 2014; Li, 2015). Several authors, however, have warned against romanticising resistance or considering communities as monolithic entities. This essentially implies opening the black box of the community by highlighting internal conflicts as well as different attitudes, interests and alliances in relation to the mining project (Conde and Kallis, 2012; Geenen and Verweijen, 2017; Haalboom, 2012; Kapelus, 2002; Walter and Urkidi, 2017).

### 3. GOVERNING MINERAL LAND

While most mining laws recognize ASM as a possible mode of mineral production, governments often – wittingly or unwittingly – impose a range of bureaucratic and political barriers that prevent ASM operators from obtaining formal rights to mine. Many ASM operators are therefore left with no choice but to operate “illegally”, not seldom inside company concessions (Hilson et al., 2020). Yet on the ground, mineral tenure relations often deviate from official regulations. Following Ribot and Peluso (2003), those actors that wield formal rights are not always able to effectively exercise these rights and to derive benefits from their property. Other actors may have access to mineral-bearing land without holding formal property rights. To strengthen their access claims, these actors may seek authorisation from different –and possibly competing– institutions, thereby strengthening these institutions in the process. In this way, struggles over access to land (and other natural resources) become entangled with broader struggles over authority (Sikor and Lund, 2009).

Quite a lot of attention has been paid to the changing role of customary authorities, particularly (but not exclusively) in the case of sub-Saharan Africa. In ASM areas, their position as distributor and manager of land entitles them to rents from ASM operators. In LSM sites, this same position allows them to negotiate with companies over questions related to (amongst other things) compensation and resettlement. In some countries, like Papua New Guinea, customary land rights have been enshrined in the Constitution (Bainton and Skrzypek, forthcoming). Yet the role of customary authorities has been transformed under the influence of (post) colonial state building and economic modernisation. In some cases, the expansion of mining contributes to the erosion of customary power. In South Africa, Nhlengetwa and Hein (2015, p.2) claim that so-called *Zama Zama* miners who illegally

operate in (abandoned) underground shafts “work outside of customary structures: they do not share their wealth with the community or give a share of earnings to the local chief, who acts as the custodian of the people.” Likewise, in her analysis of the erosion of customary rule in Ghana’s Ashanti Region, Coyle (2018, p.248) notes that “in the power vacuum and amidst the devastation left behind by the absentee chief, it is the *galamsey*, artisanal miners, who often perform the customary functions of governance”.

In other cases, customary authorities are more successful in adjusting to new realities. For instance, Cook (2011) describes how the King of the Royal Bafokeng Nation in South Africa’s Northwestern province succeeds in being “at once a symbol of traditional authority and a corporate CEO” (Cook, 2011, p.156). There are also cases where customary authorities’ involvement in the mining arena threatens their legitimacy and authority. In West Africa, Lanzano (2018) notes that while customary authorities previously played a central role in regulating access to mining land, they have increasingly turned to rent-seeking and informal taxation. In Tanzania, companies rely on “unaccountable elites for selecting and implementing [CSR] projects, resulting in funds being misappropriated to serve private ends” (Lange and Kolstad, 2012, p.141). Beyond the African context, Golub (2007) and Gilberthorpe and Banks (2012) note how, in Papua New Guinea’s LSM areas, “the massive in-flow of cash from resource-derived benefit streams into relatively stable and, importantly, sustainable socio-economic systems” generated inequality, fragmentation and insecurity (ibid., p.186). Traditional forms of social organisation were replaced by more formalised institutional arrangements from which elites benefited most, and cash inflows related to compensation and royalties instigated a culture of individual wealth-seeking. In the DRC (Geenen, 2015; Smith, 2018) and the southern Philippines (Verbrugge, 2015a), the heightened stakes around LSM concessions even led to conflicts between customary factions.

Beyond the role of customary authorities, several authors zoom in on the strategies that different actors deploy to obtain access to mineral-bearing land, and to have their access claims recognised by different (and possibly competing) authorities. In her work on the Eastern DRC, Geenen (2015) describes how ASM operators (and traders) negotiate with customary chiefs as well as landowners, government agents, militia groups and multinational companies. But she also documents how powerful coalitions of local/national elites and corporations use mechanisms of access control such as privatisation and formalisation to displace ASM miners from the land they were working on. In one case where land disputes had been ongoing for several decades, landowners have (mis)used the formalisation process to create a new cooperative and to obtain a new permit. While this permit gave them a semblance of state-sanctioned legality, in practice they installed a coercive and violent regime.

Comparing the interaction between ASM and surface land tenure arrangements in the Philippines, Liberia, and the DRC, Verbrugge et al. (2015) note how informal ASM operators often develop mutually beneficial relations with local landowners. Despite pervasive informality, people make constant references to the idea of legality to legitimise their access claims. Authorities in all three countries have seized upon this opportunity –albeit to varying extents – by initiating a process of “informal formalisation”, relying on the use of official documents and taxes to legitimise the presence of informal ASM. In doing so, they essentially contribute to projecting state rule into the informal mining economy. A similar process has been described in Colombia by Jonkman (2019), where ASM operators engage in “bottom-up law making” by engaging with a variety of state procedures and documents to legitimise their presence.

To conclude this section, we want to draw attention to the question that should be key to analysing such governance arrangements, namely who stands to benefit and lose. For instance, Verbrugge et al. (2015, 58) note that “those who command vital financial resources and political connections, and who

have knowledge of bureaucratic procedures, are better equipped to position themselves within the state arena and to use (references to) legality as an access mechanism than those bereft of such resources". More broadly, while hybrid governance arrangements and plurality may offer a lot of room for manoeuvre e.g. for informal ASM operators who want to have their access claims authorised, they also tend to be highly unstable and prone to elite capture.

#### 4. GOVERNING MINING LABOUR

A lot of the earlier anthropological work has focused on labour migration (Richards, 1932; Read, 1942; Schapera, 1947; Harries, 1994) and corporate policies to "stabilise" and control the workforce – particularly in the case of Southern Africa (Jeeves, 1985; Moodie, 1994; Van Onselen, 2001). While early twentieth-century migrant labour worked on short-term contracts and maintained strong links with rural homesteads, the worker's image that was cultivated from the 1930s onwards would be one of a modern industrial man (Cuvelier, 2011; Powdermaker, 1962). In colonial Africa, new ideas about modernity, social and family life, and urban-rural relations became inscribed in a broader governmentality project aimed at controlling colonial subjects. In Latin America, miners' labour unions have come to play an important role from the mid-20<sup>th</sup> century, in countries like Bolivia even substantially weighing on national politics. Anthropologists such as Nash (1979) and Taussig (1980) have provided fascinating accounts of the socio-cultural characteristics of Latin American mining communities, including the role of religion and rituals and the development of class identities. Contemporary anthropological work such as Smith Rolston's (2014) on coal mining in the American West, zooms in on how miners work and live together, and faced with the challenges and stress in their jobs "construct kinship" and defy traditional gender roles. The work of Pugliese (2020) on the other hand shows that corporate policies to promote gender equality collide with prevailing gender ideologies.

With globalisation and the move away from vertically integrated companies towards more network-like structures, mining companies have also made changes in how they govern labour. The contemporary labour market for LSM in low- and middle-income countries is typically segmented between high-skilled and well-paid jobs for permanent workers; and low-skilled, low-paid and casual jobs for subcontracted workers (Rubbers, 2019). Access to these jobs is mediated through brokers, who are not seldom elite members. They may be owners or shareholders of labour hire companies, or act as recruiters for transnational companies. In his work on Uzbekistan, Markowitz (2008) details several rent-seeking strategies adopted by such "local elites". In countries where LSM activities are displacing ASM, local elites may find in this brokerage role a way to maintain – albeit in a different form – some of the rents as well as the authority they lost when losing control over land and ASM (Geenen, 2019). For mining companies, outsourcing to local firms is not only cost-reducing; it also allows them to comply with local content requirements imposed by the government, to win legitimacy at the local level, and to offer local elites something in return for previous rent-seeking possibilities. As Billo (2015) shows for the case of Ecuador, such patronage practices are rooted in long-standing histories of paternalism and dependence. Yet on the part of the company, she argues, they reveal a short-term vision, a lack of care about social welfare, and an unwillingness to take responsibility for the governance of CSR programmes. Moreover, the spatial segmentation of labourers that accompanies their social segmentation allows for companies and states to better control labour and to restrain collective action, as Manky (2018) demonstrates in the case of Peru.

In ASM, labour may be organised in different ways, depending on historical practices, local geologies, and the type of mining operations (Cleary, 1990; Verbrugge and Geenen, 2020). In truly small-scale operations, miners may work individually or in small teams that are held together by family-, kinship-



or friendship ties. Larger and externally financed operations often have more pronounced labour hierarchies and tend to rely more heavily on migrant labour. Particularly in this latter type of operations, financiers often use subtle and less subtle ways to control workers (Verbrugge et al., 2015). While ASM is often depicted as an open-access activity par excellence, available evidence suggests that social networks, as well as gender and age, play a vital role in regulating access to labour opportunities (Jønsson and Bryceson, 2009). Work on Latin America (De Theije, 2017), West Africa (Bolay, 2014, Lanzano and Arnaldi di Balme, 2017) and Southern Africa (Mkodzongi and Spiegel, 2020) has shown how miners' incredible mobility is also key to shaping labour organization. Finally, in several countries, mining cooperatives have emerged as important actors in organising and controlling mining labour in ASM. Evidence from countries as diverse as Bolivia (Salman, 2016), the Philippines (Verbrugge and Besmanos, 2016) and the DRC (De Haan and Geenen, 2016) indicates that these cooperatives often fall prey to elite capture, thereby putting further downward pressures on workers' shares.

## 5. CONCLUSION

This chapter has revealed an ongoing process of hybridisation, whereby distinctions between formal and informal, modern and traditional, state and non-state, and local, national and transnational governance are becoming increasingly difficult to maintain. While this process of hybridisation creates opportunities for a re-negotiation of access to land, and arguably to labour opportunities, there is ample evidence that it may also contribute to processes of elite capture. Let us end with three suggestions for a future research agenda.

First, there is still ample room for a more intimate engagement with anthropological debates on governance and the state, which could provide conceptual and analytical tools for more systematic comparative analysis. There is also room for more anthropological work on official state bodies – at the national and decentralised level – and their engagement in mineral resources governance (as in recent work by Bainton and Skrzypek, forthcoming).

Second, while this chapter has shed some light on who stands (not) to benefit from the particular ways in which access to land and (to a lesser extent) labour is governed, far less attention has been paid to whether and how ordinary people can exercise agency in an attempt to (re)shape governance arrangements to their own advantage.

Third, existing research has implicitly or explicitly assumed that questions surrounding access to mineral-bearing land are key to understanding dynamics and outcomes of mineral resource governance. Relatively less attention has been paid to the governance of labour markets, although this figured prominently in the earlier work of anthropologists who studied colonial and postcolonial mining regimes. Recent scholarship has again started to address this issue, and we would encourage anthropologists to pursue this attention to (the governance of) labour.

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<sup>1</sup> Important examples in the case of mining include the Responsible Minerals Initiative, the Extractive Industries Transparency Initiative, the Kimberley Process, Fairtrade gold, the OECD Due Diligence Guidance for Responsible Supply Chains, and the EU Conflict Minerals Legislation.

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